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09/236,350	01/25/1999	ISAMU UENO	35.C13282	1615
5514	7590	04/02/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			MISLEH, JUSTIN P	
			ART UNIT	PAPER NUMBER
			2612	21
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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/236,350

Applicant(s)

UENO ET AL.

Examiner

Justin P Misleh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 - 10, 38, and 39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 10, 38, and 39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1 – 8, 38, and 39 have been considered but are moot in view of the new ground(s) of rejection.

### *Specification*

2. The title of the invention, as amended (Paper No. 10, 2 April 2003), is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested: Color Filter Array of Four Colors Having A Periodicity of Two Rows by Two Columns and Associated Readout Unit.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 38 and 39** are rejected under 35 U.S.C. 102(e) as being anticipated by Takizawa et al.
5. For **Claim 38**, Takizawa et al. disclose, as shown in figures 2A, 4, 5, and 6 and as stated in columns 6 (lines 24 – 29) and column 8 (lines 42 – 54), an image pickup apparatus

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comprising: a plurality of pixels (clearly shown in figure 2A); and a color filter array of four colors disposed on said plurality of pixels (see figures 4, 5, and 6), wherein said color filter array has a periodicity of two rows by two columns (see column 8, lines 42 – 54), and wherein colors of color filters in a periodical unit of two rows by two columns are all different from each other and have fixed positions (Mg, G, Cy, and Ye of figure 4).

6. As for **Claim 39**, Takizawa et al. disclose, as shown in figure 4, an image pickup apparatus according to claim 1, wherein the color filters in the periodical unit include a filter for transmitting only green light (G of figure 4) in a visible light range, a filter for intercepting only blue (Ye of figure 4) color in the visible light range, filter for intercepting only green light (Mg of figure 4) in the visible light range, and a filter for intercepting only red light (Cy of figure 4) in the visible light range.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1 – 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Takizawa et al. in view of Ukita.

9. For **Claim 1**, Takizawa et al. disclose, as shown in figures 2A, 4, 5, and 6 and as stated in columns 6 (lines 24 – 29) and column 8 (lines 42 – 54), an image pickup apparatus comprising: a plurality of pixels (clearly shown in figure 2A); and a color filter array of four colors disposed on

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said plurality of pixels (see figures 4, 5, and 6), wherein said color filter array has a periodicity of two rows by two columns (see column 8, lines 42 – 54), and wherein colors of color filters in a periodical unit of two rows by two columns are all different from each other and have fixed positions (Mg, G, Cy, and Ye of figure 4).

Takizawa et al. also disclose an operation circuit (see figures 1 and 3) that provides an average value of each filter color in a 5 by 5 pixel region. However, Takizawa et al. do not disclose an operation circuit that provides at least two different color difference signals on the two rows x two columns basis.

On the other hand, Ukita also disclose, as shown in figure 8, an image pickup apparatus comprised of a plurality of pixels and a color filter array of four colors (Mg, G, ye, and Cy) disposed on said plurality of pixels wherein colors of color filters within a unit of two rows by two columns are all different (clearly shown in figure 8). In addition, as stated in column 9 (lines 41 – 58), Ukita teaches of an operation circuit (100; also see figures 1 – 3) that provides at least two different color difference signals, CR (x,y) and CB (x,y), on the two rows x two columns basis. As stated in column 7 (lines 23 – 33), at the time the invention was made, one with ordinary skill in the art would have been motivated to include an operation circuit that provides at least two different color difference signals on the two rows x two columns basis, as taught by Ukita, in the image pickup apparatus, of Takizawa et al., as a means for increasing the number of effective pixels of the image pickup apparatus as well as reproducing images while restricting generation of ghost color signals caused by abrupt changes in the brightness of an object and changes in edge luminance values of the image. Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to include an operation circuit

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that provides at least two different color difference signals on the two rows x two columns basis, as taught by Ukita, in the image pickup apparatus, of Takizawa et al.

10. As for **Claim 2**, Takizawa et al. disclose, as shown in figure 4, an image pickup apparatus according to Claim 1, wherein the color filters in the periodical unit include a filter for transmitting only green light (G of figure 4) in a visible light range, a filter for intercepting only blue (Ye of figure 4) color in the visible light range, filter for intercepting only green light (Mg of figure 4) in the visible light range, and a filter for intercepting only red light (Cy of figure 4) in the visible light range.

11. As for **Claim 3**, as shown in Claim 1, Ukita also disclose, as shown in figure 8, an image pickup apparatus comprised of a plurality of pixels and a color filter array of four colors (Mg, G, ye, and Cy) disposed on said plurality of pixels wherein colors of color filters within a unit of two rows by two columns are all different (clearly shown in figure 8). In addition, Ukita disclose, as shown as stated in columns 15 (lines 33 – 64), 16, and 17 (lines 1 – 59), the image pickup apparatus further comprising a first operation unit which performs an operation of  $A + B - C - D$  (see column 15, lines 44 – 54), where A, B, C, and D represent signals picked up from an area of two rows by two columns. As stated in columns 16 (7 – 12), at the time the invention was made one with ordinary skill in the art would have been motivated to include the first operation performing the operation  $A + B - C - D$  as taught by Ukita in the image pickup apparatus of Takizawa et al. as a means to provide a luminance and a color difference signal for each pixel thereby yielding a high resolution color separation. Therefore, at the time the invention was made, it would have been obvious for one with ordinary skill in the art to include

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the first operation performing the operation  $A + B - C - D$  as taught by Ukita in the image pickup apparatus of Takizawa et al.

12. As for **Claim 5**, as shown in Claim 3, Ukita also disclose, as shown in figure 8, an image pickup apparatus comprised of a plurality of pixels and a color filter array of four colors (Mg, G, ye, and Cy) disposed on said plurality of pixels wherein colors of color filters within a unit of two rows by two columns are all different (clearly shown in figure 8). In addition, Ukita disclose, as shown as stated in column 15 (lines 33 – 64), 16, and 17 (lines 1 – 59), the image pickup apparatus further comprising a first operation unit which performs an operation of  $A + C - B - D$  (see column 16, lines 39 – 46), where A, B, C, and D represent signals picked up from an area of two rows by two columns. As stated in columns 16 (7 – 12), at the time the invention was made one with ordinary skill in the art would have been motivated to include the first operation performing the operation  $A + C - B - D$  as taught by Ukita in the image pickup apparatus of Takizawa et al. as a means to provide a luminance and a color difference signal for each pixel thereby yielding a high resolution color separation. Therefore, at the time the invention was made, it would have been obvious for one with ordinary skill in the art to include the first operation performing the operation  $A + C - B - D$  as taught by Ukita in the image pickup apparatus of Takizawa et al.

13. As for **Claims 4 and 6**, Ukita disclose, the image pickup apparatus wherein the signals A and B are disposed on a same line or on a same column, and the signals C and D are disposed on a same line or column.

14. As for **Claim 7**, Takizawa et al. disclose, an image pickup apparatus comprising: a plurality of pixels; and a color filter array of four colors disposed on said plurality of pixels,

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wherein said color filter array has a periodicity of two rows by two columns, and wherein colors of color filters in a periodical unit of two rows by two columns are all different from each other and have fixed positions. Takizawa et al. do not disclose, the image pickup apparatus further comprising a first read-out unit which reads out a difference between: (a) an addition signal of a first row, first column signal and a first row, second column signal, and (b) an addition signal of a second row, first column signal and a second row, second column signal, in an area of two rows by two columns, and a second readout unit which reads out a difference between: (a) an addition signal of a first row, first column signal and a second row, first column signal, and (b) an addition signal of a first row, second column signal and a second row, second column signal, in the area of two rows by two columns.

However, Ukita also disclose, as shown in figure 8, an image pickup apparatus comprised of a plurality of pixels and a color filter array of four colors (Mg, G, ye, and Cy) disposed on said plurality of pixels wherein colors of color filters within a unit of two rows by two columns are all different (clearly shown in figure 8). In addition, Ukita disclose, as shown as stated in columns 15 (lines 33 – 64), 16, and 17 (lines 1 – 59), the image pickup apparatus further comprising a first read-out unit (see column 15, lines 44 – 54) which reads out a difference between: (a) an addition signal of a first row, first column signal and a first row, second column signal, and (b) an addition signal of a second row, first column signal and a second row, second column signal, in an area of two rows by two columns, and a second readout unit (see column 16, lines 39 – 46) which reads out a difference between: (a) an addition signal of a first row, first column signal and a second row, first column signal, and (b) an addition signal of a first row, second column signal and a second row, second column signal, in the area of two rows by two columns. As stated in



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columns 16 (7 – 12), at the time the invention was made one with ordinary skill in the art would have been motivated to include a first and second readout unit performing the operations as taught by Ukita in the image pickup apparatus of Takizawa et al. as a means to provide a luminance and a color difference signal for each pixel thereby yielding a high resolution color separation. Therefore, at the time the invention was made, it would have been obvious for one with ordinary skill in the art to include the first and second readout units performing the operations as taught by Ukita in the image pickup apparatus of Takizawa et al.

15. As for **Claim 8**, Takizawa et al. disclose, the image pickup apparatus wherein areas of two rows by two columns are disposed without any space there between.

16. **Claims 9 and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Takizawa et al. in view of Ukita in further view of Sugiki.

17. As for **Claims 9 and 10**, Takizawa et al. in view of Ukita et al. show that it is obvious to provide an image pickup apparatus comprising a plurality of pixels; and a color filter array of four colors disposed on said plurality of pixels, wherein said color filter array has a periodicity of two rows by two columns, wherein colors of color filters in a periodical unit of two rows by two columns are all different from each other and have fixed positions and an operation circuit that provides at least two different color difference signals on the two rows x two columns basis. However, Takizawa et al. in view of Ukita do not disclose an image pickup apparatus further comprising a read-out unit that reads out an addition signal of all signals in an area of four rows x one column.

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However, Sugiki also disclose an image pickup apparatus comprising a plurality of pixels and a color filter array of four colors disposed on said plurality of pixels. More specifically, as shown in figure 1, the four colors disposed on the plurality of pixels are Green, Cyan, Blue, and Magenta. As stated in column 1 (lines 54 – 59), to obtain one color signal, four signals representing four adjacent pixels of the same column must be processed. Thus, Sugiki teach the read-out unit that reads out an addition signal of all signals in an area of four rows x one column. As stated in column 1 (lines 43 – 46), at the time the invention was made, one with ordinary skill in the art would have been motivated to include a read-out unit that reads out an addition signal of all signals in an area of four rows x one column, as taught by Sugiki, in the image pickup apparatus of Takizawa et al. in view of Ukita, as for reading data of all the pixels within one field-period thereby enhancing the time-domain resolution without reducing sensitivity of the imaging device. Therefore, at the time invention was made, it would have been obvious to one with ordinary skill in the art to have include a read-out unit that reads out an addition signal of all signals in an area of four rows x one column, as taught by Sugiki, in the image pickup apparatus of Takizawa et al. in view of Ukita.

Furthermore, Sugiki does not disclose a read-out unit that reads out an addition signal of all signals in an area of four columns x one row. However, for the same motivation that it would have been obvious to include a read-out unit that reads out an addition signal of all signals in an area of four rows x one column, it also would have been obvious to include a unit that reads out an addition signal of all signals in an area of four columns x one row.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 703.305.8090. The Examiner can normally be reached on Monday through Thursday from 7:30 AM to 5:30 PM and on alternating Fridays from 7:30 AM to 4:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Wendy R Garber can be reached on 703.305.4929. The fax phone number for the organization where this application or proceeding is assigned is 703.872.9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM  
March 31, 2004

  
NGOC-YEN YU  
PRIMARY EXAMINER